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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,999	09/27/2004	Shinobu Komiya	1232-32	1314
23117 7590 02/18/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
GOLOBOY, JAMES C				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
02/18/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10508999	9/27/2004	KOMIYAMA ET AL.	1232-32

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## EXAMINER

James Goloboy

ART UNIT	PAPER
1797	20090203

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## Commissioner for Patents

1. Newly submitted claims 79-97 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly submitted claims are drawn to a process of cold plastic working of metallic materials comprising the step of forming a lubricating coating corresponding to previous claim 66, now cancelled. The previous claims and newly submitted claims are related as a product and a process of using, and are distinct because the product as claimed can be used in a materially different process such as a process of rust-proofing and/or painting as in the Kamisaka reference discussed in the office action mailed 8/18/08.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 79-97 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Glenn A. Caldarola/  
Acting SPE of Art Unit 1797

JGC